



LG&E Energy Corp.
220 West Main Street (40202)
P.O. Box 32030
Louisville, Kentucky 40232

November 4, 2003

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NOV 04 2003

PUBLIC SERVICE
COMMISSION

Mr. Thomas M. Dorman
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

RE: *Investigation Into The Membership Of Louisville Gas and Electric Company and
Kentucky Utilities Company In The Midwest Independent Transmission System
Operator, Inc. – Case No. 2003-00266*

Dear Mr. Dorman:

Please find enclosed and accept for filing an original and ten (10) copies of Louisville Gas and Electric Company and Kentucky Utilities Company's Motion to Strike Supplemental Data Requests of the Midwest Independent Transmission System Operator, Inc., in the above-captioned proceeding. The Companies propose that the enclosed motion be discussed at the informal conference in this proceeding on November 6, 2003.

Please contact me if you have any questions concerning this filing.

Sincerely,

John Wolfram,
Manager, Regulatory Policy and Strategy

Enclosures

cc: Parties of Record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

**INVESTIGATION INTO THE)
MEMBERSHIP OF LOUISVILLE)
GAS AND ELECTRIC COMPANY)
AND KENTUCKY UTILITIES)
COMPANY IN THE MIDWEST)
INDEPENDENT TRANSMISSION)
SYSTEM OPERATOR, INC.)**

CASE NO. 2003-00266

**MOTION OF
LOUISVILLE GAS AND ELECTRIC COMPANY
AND KENTUCKY UTILITIES COMPANY
TO STRIKE SUPPLEMENTAL DATA REQUESTS OF
THE MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC.**

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) hereby request that the Kentucky Public Service Commission (“Commission”) enter an order denying certain purported supplemental requests for information submitted by the Midwest Independent Transmission System Operator, Inc. (“MISO”) on October 30, 2003, in the above-captioned proceeding. In support of their Motion, LG&E and KU state as follows:

Of MISO’s 82 data requests, including subparts, only 32 (including subparts) are, in fact, proper supplemental data requests. The remainder are either *not* supplemental, as they do not seek information regarding any previous data responses, or are irrelevant to this case.

New Data Requests

Several of MISO’s data requests do not request information to supplement data previously provided. In particular, Data Request Nos. 10, 11, 12 (a, c, and d), 13, 14, 15, 23 and 29 make no reference to any information previously provided by LG&E/KU in response to the

initial requests by MISO. These are new data requests that should have been submitted as part of MISO's initial data requests. The inference is irresistible that the questions are now being posed simply to bolster MISO's unsupported petition for additional time in this proceeding. The number and topic of each of these new data requests are set forth below:

10. FTRs
 - a. Accounting and ratemaking treatment
 - b. Treatment by ESM
 - c. Rights affect rates
11. Day ahead and real-time trades
 - a. Indications
 - b. Identify
12. Withdrawal from MISO
 - a. Manage congestion
 - c. Redispatch
 - d. Implementation of congestion management system
13. Five year prior TLRs
14. Emergency operating procedures
15. Analysis of financial position
23. Withdrawal analysis
 - a. Results
 - b. Copies of studies/documents
29. Current IRPs

Data Requests Seeking Irrelevant Information

Several of MISO's "supplemental" data requests, *in addition* to constituting new data requests improperly filed at this supplemental discovery stage, are simply irrelevant to this proceeding. The number of each such data request, along with the topic addressed, are identified below. Even a cursory review of these topics demonstrates the irrelevance of these questions:

8. Sales to non-native load customers
 - a. Treatment of revenues and costs
 - b. Treatment by ESM
 - c. Sales affect rates
9. Financial hedging transactions
 - a. Accounting and ratemaking treatment
 - b. Treatment by ESM
 - c. Transactions affect rates
20. November 1, 2002 through October 31, 2003 period
 - a. Coal supply
 - b. Gas supply
 - c. Distillate oil supply
 - d. Residual oil supply
21. Vendors/Bid information
 - a. March 21, 2003 for LG&E
 - b. March 10, 2003 for KU
 - c. Recent coal supply solicitations
22. November 1, 2002 through October 31, 2003 period

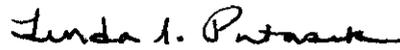
- a. Commission dates
 - b. Emissions (SO_x and NO_x)
 - c. O&M costs
 - d. Heat rates
 - e. Hydro energies
 - f. Startup costs
 - g. Rate of ramp-up and ramp-down
 - h. Minimum run and down times
 - i. Forced outage rate
 - j. Unit capacity
24. System load forecast/resource balance
- a. Peak load
 - b. Coincident peak (MW) and energy (GWH)
 - c. Additions and uprates (MW, unit and type)
 - d. Retirements and derates (MW, unit and type)
 - e. Additions, uprates, retirements and derates of IPPs
 - f. Reserve margin
25. Reserve margin adequacy studies
26. Variable pricing and interruptible load products
27. Recent year estimate
- a. Breakdown by SIC code of sales
 - b. Contribution to system peak load
 - c. Breakdown by SIC code of system peak load

28. Short-term price elasticity studies/analyses

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company request that the Commission issue an order denying the discovery of the Midwest Independent Transmission System Operator, Inc. requested in Supplemental Data Requests Nos. 8, 9, 10, 11, 12a, 12c, 12d, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29.

Dated: November 4, 2003

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Strike was served on the following persons on the 4th day of November 2003, U.S. mail, postage prepaid:

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